

**REMARKS**

Claims 1-2, 5-7, 10-13, 16-19, 22-25, 27-29, 31-34, 36-39, 41-45, 47-50, 52-56, 58-62, 64- 67, 69-71, 73-76, 78-81, and 83-111 are in the application, of which Claims 1, 6, 12, 18, 24, 28, 33, 38, 43, 48, 54, 60, 66, 70, 75, 80, 85, 92, 101, 102, 103, and 104 are the independent claims. Claims 1, 5, 6, 10, 11, 12, 16, 17, 18, 22, 23, 24, 27, 28, 31, 32, 33, 36, 37, 38, 41, 42, 43, 44, 47, 48, 49, 52, 53, 54, 55, 58, 59, 60, 61, 64, 65, 66, 69, 70, 73, 74, 75, 78, 79, 80, 83, 84, 85, 92, 101, 102, 103, and 104 are amended herein. Claims 3, 4, 8, 9, 14, 15, 20, 21, 26, 30, 35, 40, 46, 51, 57, 63, 68, 72, 77, and 82 are canceled without prejudice. New Claims 105-111 are added. Reconsideration and further examination are respectfully requested.

No new matter is believed to have been introduced to the application by this amendment. The changes to the claims are fully supported by the original disclosure, including, for example, page 1, lines 3-29, page 2, lines 1-20, page 11, lines 20-24, page 12, lines 20-29, page 13, lines 9-28, page 14, lines 1-2, page 18, lines 13-24, page 20, lines 14-23, and page 21, lines 4-14, and FIGS 1-5.

**35 U.S.C. §101**

In the Office Action, Claims 1-23, 43-65, 85-86 and 101 were rejected under 35 U.S.C. §101. Without conceding the correctness of the 35 U.S.C. § 101 rejections, Applicant has amended applicable independent claims to recite a computer readable medium in order to expedite the prosecution of the subject application. Reconsideration and withdrawal of these rejections are respectfully requested.

**35 U.S.C. 102(b)**

Claims 1-104 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,466,972 (Paul). Reconsideration and withdrawal of these rejections are respectfully requested.

By way of illustration, without limiting the scope of the claims, Applicant discloses an Image Server 110 and a Client Computer 120. See, e.g., Present Application, FIGS. 1-2. Image Server 110 includes a Server Language Agent 112 and a Specification and Image 114 generated by the Server Language Agent 112. See Present Application, page 7, lines 1-11; FIG. 1. A file such as Root.i2u 310, which provides code that operates as the Client Language Agent 122, can be sent from the Image Server 110 to the Client Computer 120. See Present Application, page 9, lines 8-28; FIGS. 3 and 4. A specification file such as Rule.i2d 510 can also be sent from the Image Server 110 to the Client Computer 120. See Present Application, page 10, lines 1-7; FIG. 5. A component of the Client Language Agent 122 is a preboot execution language interpreter, and it can interpret the specifications for executing computing tasks contained in Rule.i2d 510 and perform the specified computing tasks. See Present Application, page 9, lines 8-28; page 10, lines 1-7.

Both the Client Language Agent 122 and Server Language Agent 112 can generate encapsulations and interpret (or execute) the encapsulation. Thus, an encapsulation can be modified, propagated, multiplied, or otherwise manipulated in any way. For example, an encapsulation can translate symbols and modify itself or create another encapsulation by the Server Language Agent 112 or the Client Language Agent 122. The Client Language Agent 122, while executing an encapsulation, can generate yet another encapsulation that is to be

executed at a later time, e.g., when some desired parameters can be ascertained appropriately, such as additional hardware. See Present Application, page 18, lines 15-24. The images encapsulate all parametric behaviors resolved during the appropriate levels of execution nesting. See Present Application, page 19, lines 10-11. Thus, Platform Imaging can be advantageously accomplished by encapsulated imaging, since all target dependent parameters can be encapsulated in the images themselves. See Present Application, page 19, lines 20-22.

Independent claim 1 is directed to a system for executing computing tasks in a preboot execution environment. The system comprises a computer readable medium, which comprises a language agent with a preboot execution language interpreter, and at least one specification for performing at least one computing task in the preboot execution environment. Both the language agent and the at least one specification are from a second system. The language agent is configured to interpret the at least one specification for performing at least one computing task in the preboot execution environment, and configured to perform the at least one computing task specified. The at least one specification from the second system is an encapsulation, encapsulating parameters resolved at the system at execution time by the preboot execution language interpreter from the second system.

Thus, among its many features, independent Claim 1 provides a system that includes a language agent and at least one specification, both of which are from a second system. The language agent from the second system is configured to interpret the at least one specification from the second system for performing at least one computing task in the preboot execution environment, and configured to perform the at least one computing task specified. Furthermore, the at least one specification from the second system is an encapsulation, encapsulating

parameters resolved at the system at execution time by the preboot execution language interpreter from the second system.

Turning to the applied reference, Paul is understood to disclose a server and a remote device. The server includes configuration components grouped into templates called machine classes. At the server, machine classes are instantiated with machine-specific information to produce fully configured operating systems for a computing device. The machine instance can be used to boot a device remotely. See Paul, Summary of the Invention, col. 2:40-64. Thus, Paul is understood to disclose that a server generates a machine instance that is fully configured for a specific remote device and the fully configured machine instance is then sent to the remote device.

The Office Action alleges that Paul discloses the subject matter of original claim 4, “wherein the at least one specification is an encapsulation, encapsulating parameters resolved by the preboot execution language interpreter at execution time (*column 10, line 56 to column 11, line 5; generate configuration with variable override; inherited variables*).” Applicant has clarified in amended claim 1 that the encapsulated parameters are resolved at a first system at execution time by a preboot execution language interpreter from a second system. The passage in Paul describes the actions performed at the server, not at the remote device. Paul does not disclose that encapsulated parameters are resolved at the remote device at execution time by a preboot execution language interpreter at the remote device from the server.

Accordingly, Paul does not disclose or teach a second system that sends to a first system a language agent, with a preboot execution language interpreter, and at least one specification, where the language agent at the first system received from the second system is configured to

interpret the at least one specification at the first system received from the second system, and the at least one specification at the first system received from the second system is an encapsulation, encapsulating parameters that are resolved at the first system at execution time by the preboot execution language interpreter from the second system.

Accordingly, the applied references, either alone or in combination, are not understood to disclose, teach, or suggest the features of independent Claim 1, which is believed to be in condition for allowance.

Independent Claims 6, 12, 18, 24, 28, 33, 38, 43, 48, 54, 60, 66, 70, 75, 80, 85, 92, 101, 102, 103 and 104 contain limitations similar to Claim 1 discussed above. Accordingly, these claims are believed to be allowable over Paul for similar reasons.

The other claims currently under consideration in the application are dependent from independent claims discussed above and therefore are believed to be allowable over the applied references for at least the same reasons. Because each dependent claim is deemed to define an additional aspect of the invention, the individual consideration of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, the entire application is believed to be in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience. Applicant's undersigned attorney may be contacted at the address and telephone number set forth below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper,

**Application No.: 10/787,224**

including extension of time fees, to Deposit Account 502203 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Soyeon (Karen) Pak Laub  
Registration No. 39,266

18191 Von Karman Ave., Suite 500  
Irvine, CA 92612-7108  
Phone: 949.851.0633 SKL:imt  
Facsimile: 949.851.9348  
**Date: July 23, 2008**

**Please recognize our Customer No. 31824  
as our correspondence address.**